

### REMARKS

The Examiner has rejected the present application on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections of the Examiner, and so as to otherwise place the application, as a whole, in condition for allowance.

Initially, Applicant acknowledges the Examiner's withdrawal of claim 5-7, 12 and 13. Applicant submits that with the present amendment and communication, these claims should be reincorporated, as generic claims should be deemed allowable.

The Examiner has rejected claim 8 based on the contention that "handle member" is inappropriate. Applicant submits that the handle member is the "handle" for the clamp. As such a terminology is properly descriptive, and inasmuch as Applicant can be its own lexicographer, Applicant submits that such a term is entirely proper.

The Examiner has rejected the abstract based on the contention that it is greater than 150 words. Applicant has made an appropriate amendment by amending the present abstract. Accordingly, this objection has been overcome.

The Examiner has rejected claim 1 under 35 U.S.C. §102(b) based on the contention that it is anticipated by U.S. Pat. No. 5,893,310 issued to Hirao et al (the '310 patent). The Examiner has rejected claims 1-4 and 8-11 under 35 U.S.C. §103(a) based on the contention that they are obvious in light of the '310 patent (in view of "Official Notice" taken by the Examiner). Applicant traverses the Examiner's rejections.

Applicant has amended claim 1 so as to include the limitations of issued claim 1 of the parent application, namely U.S. Pat. No. 6,725,633 (the '633 patent), with the additional elements of the blade assembly disclosed and claimed in claim 1 as originally filed. Applicant submits that such a structure is not disclosed or suggested by the prior art of record. The particular actuator

and clamp assembly is not shown or reasonably suggested by the '310 patent. As such, claim 1 should be deemed allowable over the prior art.

Similarly, Applicant submits that claim 8 already includes all of the limitations of issued claim 12 of the parent '633 patent and further includes additional features relative to the blade assembly and the blade actuator. Applicant submits that such a structure is not disclosed or suggested by the prior art of record, including the '310 patent – alone or in combination.

While not included in the specific rejection, in taking Official Notice, the Examiner has identified U.S. Pat. No. 2,065,380 issued to Lamson (the '380 patent) as an example wherein the handle member is pivotable and slidable on the frame and wherein the actuator has two pivotal junctions. First, the '380 does not disclose a slotted clamp. In fact, the clamp has a solid bottom surface and the blade extends about an outside end of the clamp. Second, the "handle member" does not pivot relative to the frame, rather, element "88" of the '380 patent is confined to slidable vertical movement of the blade – which does not allow for accommodation. This teaches away from Applicant's invention, wherein the clamp is pivotably mounted to each of the frame and the actuator so that it has multiple degrees of movement and can adapt to better clamp the object to be clamped. Moreover, inasmuch as the clamping and cutting operation of the '310 is quite specific, relative to the pressing element, Applicant submits that the teachings of the '380 patent are not readily combinable with the teachings of the '310 patent.

In light of the foregoing, Applicant respectfully submits that the Application is in *prima facie* condition for allowance at the present time. Accordingly, Applicant respectfully requests reconsideration of the present application and passage toward issuance thereof.

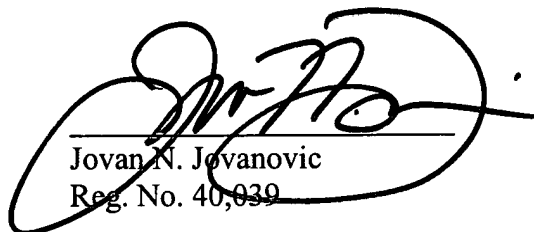
If any other charges or fees must be paid or credited in connection with this

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Respectfully submitted,

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